

How to Use Statewide Contract PRF49, Enterprise Temporary Help Services; MHEC Contract #MC12-J03

Contract #: PRF49 (MHEC Contract #MC12-J03) **Contract Duration:** 12/28/2011 to 6/30/2014
MMARS #: PRF49* **Options to renew:** **None. The RFR being developed is PRF57**
Contract Manager: William Funk - 617-720-3329 William.Funk@state.ma.us
This contract contains: Small Business Purchasing Program (SBPP), Supplier Diversity Office (SDO) Businesses
Last change date: 2/24/2014

Contract Summary

This is a solution-based Statewide Contract in conjunction with Massachusetts Higher Education Consortium (MHEC) contract MC12-J03 for **Temporary Help Services and Executive Search Services** through an **Enterprise** approach utilizing one primary vendor and temporary help service vendors engaged in the same business but employed by the primary vendors. ***NOTE: (1) Pending the release of RFR PRF57, Temporary Help Enterprise Services this contract has been extended through 6/30/2014; (2) The new Commonwealth HRD policy on Temporary Help Workers is attached herein.***

Services Available:

- | | | |
|---------------------------|------------------------------------|--------------------------------------|
| 1. Accountant Position | 7. Graphic Designer | 13. Medical Administrative Assistant |
| 2. Accounting Support | 8. HR/Payroll Assistant | 14. Paralegal |
| 3. Administrative Support | 9. Legal Administrative Assistant | 15. Office Support Technician |
| 4. Customer Service | 10. Legal Administrative Assistant | 16. Receptionist |
| 5. Data Entry Operator | 11. Light Labor | 17. Telephonic Operator |
| 6. Event Support | 12. Light Industrial Labor | 18. Executive Recruitment |

Benefits and Cost Savings

- Reduced mark-up over costs
- Solution-based contract through sub-agreements and Statements of Work
- Departments Rates may be negotiated based on candidate's experience
- Rates are inclusive of vendor costs associated with providing candidates
- Rates are inclusive of all vendor travel considerations and other ancillary charges
- Reimbursable expenses, such as mileage, travel, meals and lodging directly related to the temporary worker's assignment are allowed only with prior authorization from the hiring entity.
- Project based pricing may be proposed instead of a maximum billing rate (see pricing)
- Executive Search Services are available at a discounted rate
- Centralized Order Management for reduced costs – Single point of contact
- Electronic Timecards and Consolidated Billing that saves time and expenses
- Dedicated web portal for PRF49 and MHEC users tracking all Statement of Work activity

Who Can Use This Contract?

Applicable Procurement Law: MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00

Eligible Entities:

01. Cities, towns, districts, counties and other political subdivisions
02. Executive, Legislative and Judicial Branches, including all Departments and elected offices therein;

03. Independent public authorities, commissions and quasi-public agencies
04. Local public libraries, public school districts and charter schools;
05. Public Hospitals, owned by the Commonwealth;
06. Public institutions of high education
07. Public purchasing cooperatives;
08. Non-profit, UFR-certified organizations that are doing business with the Commonwealth;
09. Other states and territories with no prior approval by the State Purchasing Agent required; and
10. Other entities when designated in writing by the State Purchasing Agent.

Pricing and Purchase Options

Purchase Options: Purchases made through this contract will be direct outright “purchase” engagements.

Compensation Structure/Pricing & Expenses:

- Complete and execute a sub-agreement with The Resource Connection (TRC) as your Statement of Work (SOW) before the hiring engagement begins,
- A Statement of Work template is available under the “Forms & Terms” tab,
- Entities are asked to provide a thorough job description, skills required, qualifications, and geographic location when requesting temporary staff. This will allow an entity to best discuss and negotiate a fair and reasonable rate with TRC for the temporary help position being sought,
- Use the Rate Chart posted under the “Forms & Terms” tab, as a guide, to view the levels of experience that fit your needs as hiring a person with a low level of skills may offer a savings. Discuss your needs thoroughly with TRC for the right candidate having the right level of experience at the lowest quoted price,
- The Rate Card on the “Forms & Terms” tab is a reference guide to current hourly rates charged,
- Entities may request a project based price instead of the maximum billing rate that will be based on an hourly rate and include all ancillary services in the project price,
- Hiring Entities should never pay more than the maximum markup rate of 40% above the direct labor (pay rate). For referred workers that are not receiving benefits the markup rate is discounted to 22%.
- [The Resource Connection website](#) is a dedicated web portal to submit and track all temp help requests and SOW agreements,
- Secure references as appropriate or include this in the SOW,
- Invoices are required to be submitted within 30-days,
- There are no additional charges associated with the vendors work, e.g., travel, copying, printing, communications, overhead rates or other ancillary charges,
- 24/7 On Demand access to request services are on TRC’s dedicated website www.resource-connection.com,
- All requests for services are channeled through TRC with TRC engaging their subcontractors under PRF49,
- Categories for personnel are on the TRC [Website](#) through the PRF49 link,
- Use TRC’s web portal to monitor all temporary assignments start and end dates,
- TRC has an applicant tracking system to track all assignments including start and end dates. Therefore, a report can be requested from TRC to identify the duration of each temporary employee,
- Departments can use encumbrances as a tracking process against their purchase order.
- Departments must adhere to the new Commonwealth HRD Policy effective 1/1/2014 as listed at the end of this Contract User Guide.

Additional Information

Awarded Vendor:

- **The Resource Connection (TRC),** staff@resource-connection.com
 - a. **Contract Manager:** Janet Santa Anna, 978-777-9333 or 800-649-5228
 - b. **Project Manager:** Peter Konrad

c. **Staffing Coordinator Lead:** Taisha Salcedo

With over 25 years' experience, TRC will provide the majority of temporary help services. Through strategic alliances with a team of subcontractors, listed below, TRC will be providing Temporary Help Services and Executive Search Services to the Commonwealth and MHEC. Five of the team members are SDO Certified women owned businesses and TRC has geographic coverage throughout New England with this well experienced team.

Strategic Alliance Team / Subcontractors:

TRC will provide Temporary Help Services and will utilize its subcontractors to provide the following services:

- **KNF&T Staffing Resources** SDO/WBE will provide Temporary Help Services
- **R.A.D. Employment Services** SDO/WBE will provide Temporary Help Services
- **Johnson & Hill Staffing SDO/WBE** will provide Temporary Help Services
- **ACE Employment** will provide Temporary Help Services
- **Travis Personnel** SDO/WBE will provide Temporary Help Services
- **Bonney Staffing Services Maine** – will provide Temporary Help Services

Executive Search

- **Lois L. Lindauer Searches** will provide Executive Recruitment/Search
- **Korn/Ferry International** will provide Executive Recruitment/Search

NEW Important Contract Information:

Commonwealth HRD Temporary Worker Policy effective 1/1/2014

Scope

- For the purposes of this policy, temporary employment is considered to be separate and distinct from contract and seasonal employment.
- This policy applies only to positions that fall within the Office of the State Comptroller object code J46. It does not apply to temporary workers who may be hired to perform information technology work. It is recommended that state agencies consult with ITD when hiring temporary workers to perform IT duties.

Definition

- Temporary workers are defined as individuals who are engaged through a third-party vendor to fill positions that are temporary in nature. Temporary workers should not work more than 52 weeks without approval from the Secretariat-level Human Resources Director.
- Contract employees are individuals who do not occupy state positions, nor contribute to the State Retirement System or group insurance programs, but who must contribute to the Alternate Retirement System. Contract employees have employee-employer relationships pursuant to individual contracts with the Commonwealth. Contract employees are paid through the payroll system, have tax withholdings, and other deductions.¹

Process for Hiring Temporary Workers

- Hiring of temporary workers is subject to Operational Services Division (OSD) requirements. Among other things, OSD requirements state that Executive Departments must use statewide contracts, if available, for commodities and services unless there is a prior written approval from the State Purchasing Agent. The process that agencies must follow when requesting this approval is explained in OSD Policy Guidance 05-19, Procurement and Contract Management Policy Changes (6/2/05). Please see [Procurement Information Center](#) for OSD Policy.

¹ Source: Office of the Comptroller, MMARS Policy, Employee-Employer Relationship: Types of Employment (Rev. 11/1/06).

Allowable Reasons to Hire Temporary Workers

- Acceptable reasons to hire a temporary worker may include the following:
 - To assume the job duties of an employee who is on leave due to Family and Medical Leave Act (FMLA) leave or any other period of extended leave;
 - To provide continuity of services during an emergency situation;
 - To work on a project or task that is anticipated to be for a defined period of time (not to exceed 52 weeks without the approval of the Secretariat-level Human Resources Director) where it is impracticable to hire a regular state employee. If during the course of a temporary project or task, it becomes clear that the project or task is more permanent in nature, the agency must take action to hire permanent employees to work on the project consistent with ANF budget and policy guidelines.

Compensation

- Temporary workers shall be compensated by the third-party vendor and shall not be eligible to receive benefits provided by the state to permanent state employees (e.g., health insurance, retirement benefits, etc.)

Cannot Hire Temporary Workers to Circumvent Other Rules, Policies, and Laws

- An agency may not hire a temporary worker as a substitute for or to avoid filling a vacant position that would otherwise be filled by a permanent hire or to circumvent other rules, hiring caps, or policies that govern hiring Commonwealth employees or contracts staff.
- Temporary workers may be hired on a short-term basis for a period not to exceed 52 weeks without approval from the Secretariat-level Human Resources Director or his /her designee and/or Labor Relations personnel or other appropriate reviewer designated by the agency.
- Secretariat-level Human Resources Directors or their designees shall conduct an annual review of all temporary worker appointments in agencies within their Secretariat. When an agency has the need to employ a temporary worker for more than 52 weeks, the Secretariat-level Human Resources Director or his/her designee may approve the extension.
- If an agency has hired temporary workers to work on projects funded by capital funds or federal funds which restrict the hiring of full-time, permanent employees, a notation should be recorded in the agency's internal files reflecting this to be the reason for the hiring of any temporary workers.
- HRD reserves the right to audit agency's use of temporary workers at any time. Agencies not in compliance with this policy will be notified and must become compliant immediately.
- This policy is not intended to supplant any existing Commonwealth policies governing the hiring of contract and/or seasonal employees.

Questions & Answers

Question: If an agency hires a temporary worker for a three (3) week project and, at the conclusion of the project, wishes to retain the temporary employee for another four (4) week project, how does that get counted towards the 52 week period under the policy?

Answer: The 52 week temporary employment period is intended to be project-specific rather than individual specific. If Temporary Project #1 is completed after three (3) weeks and the agency wishes to hire a temporary employee for Temporary Project #2, then a new 52 week period would apply to Temporary Project #2 (even if it hires the same temporary employee who worked on Temporary Project #1).

Question: What if an agency has hired a temporary worker to work on a task not to exceed 52 weeks and the temporary worker leaves because s/he has found permanent employment elsewhere? If the temp agency sends a new employee to complete the task, does that start a new 52 week period?

Answer: As previously indicated, the 52 week temporary employment period is intended to be project or task-specific. So, if one temporary worker leaves before the project or task is completed and another temporary worker is hired to complete the project or task, it will all count towards the same 52 week maximum.

Question: Can an agency fill a particular position (e.g., receptionist) by hiring a different temporary worker every 52 weeks year after year?

Answer: No. Under the Temporary Worker Policy, a temporary worker may not be hired as a substitute for or to avoid filling a vacant position that would otherwise be filled by a permanent employee. Temporary workers are only intended to fill staffing needs that are for a specified duration. If an agency determines that its particular staffing need is continuous or cyclical in nature, then it should consider hiring a permanent or seasonal employee consistent with ANF budget and policy guidelines. See new HR Policy enclosed.

Question: What if the particular assignment is temporary but the agency knows from the outset that the project will exceed 52 weeks?

Answer: If the agency has determined that it cannot fill the position with a contract employee, then it may hire a temporary worker and, at the end of the 52 week temporary employment period, extend the temporary worker as necessary after approval by the Secretariat-level Human Resource Director or his/her designee.

Question: What if an agency realizes that the need for a temporary worker, originally intended to be less than 52 weeks, will now be greater than 52 weeks?

Answer: The agency must file with their Secretariat-level Human Resources Director a request to extend the services of a temporary worker beyond the 52 week period at least 45 days prior to the end of the 52 week period.

Question: Can an agency hire a temporary worker into a permanent position?

Answer: Any permanent hires must be done consistent with existing budget, human resource and policy guidelines. In addition, the agency must ensure that hiring the temporary worker into a permanent position would not violate any provisions of the temporary help contract used to secure the services of the temporary worker.

Question: Can a temporary worker supervise the work of a regular, permanent employee?

Answer: No.

Strategic Sourcing Services Team Members

AnnMarie Amaral	DPH/Division of Health Professions Licensure, AnnMarie.Amaral@state.ma.us
Brian Boyd	Executive Office of Labor and Workforce Development, brian.boyd@state.ma.us
Carl Boyd	Executive Office of Health & Human Services, Carl.Boyd@state.ma.us
Charles Caron	Department of Public Health, Charles.Caron@state.ma.us
Deborah Cassano	Division of Professional Licensure, deborah.m.cassano@state.ma.us
Marianne Collins	Massachusetts State Police, marianne.collins@state.ma.us
Andrea Cosgrove	Department of Children and Families, Andrea.Cosgrove@state.ma.us
Paul C. Coute	Massachusetts Higher Education Consortium, pcoute@mhec.net
William Funk	Operational Services Division, William.funk@state.ma.us
Paula Giblin	Department of Environmental Protection, Paula.Giblin@state.ma.us
Brian Hickey	Human Resource Department, Brian.j.Hickey@state.ma.us
Nancy Karas	Department of Elementary and Secondary Education, nancy.karas@state.ma.us
Donna Poulos	Human Resource Department, Donna.I.Poulos@state.ma.us

Summary of Where to Obtain Important Contract Information

To obtain in depth contract information please go to the Comm-PASS (www.comm-pass.com) website, click on "Contracts" then search by document number PRF49 to locate the following contract information:

Contract User Guide	"Forms & Terms" tab
Statement of Work (SOW)	"Forms & Terms" tab
Rate Card	"Forms & Terms" tab
Frequently Asked Questions	"Forms & Terms" tab
PRF49 Quick Facts	"Forms & Terms" tab
Request for Response (RFR)	"Forms & Terms" tab
Purchase Order form	"Forms & Terms" tab

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